

REMARKS

The present application is a reissue application seeking reissue of U.S. Patent 6,317,489. The present response is being filed on Monday, September 25, 2006 which is the first business day after the Sunday September 24, 2006 (with extension of time) due date set forth in the Office Action.

The application contains claims 1-36. Of these claims, claims 1-21 representing the claims of the '489 Patent stand allowed and claims 22-36 stand rejected under 35 U.S.C. 103 as being unpatentable over combinations of U.S. Patent 5,982,861 to Holloway et al., U.S. Patent 5,303,288 to Duffy et al. and U.S. Patent 5, 973,666 to Challener et al. No claims are being amended by this response.

Applicant's claim 22 recites a combination for use with a security system connected to a communication network. The claimed combination includes an input device, an electronic communication device comprising a sequential list of entries, an encoder, separate from the input device, which encoder is used to select an entry from the sequential list and scroll apparatus for scrolling through the list from the entry selected by the encoder.

Holloway et al., which is the primary reference, does not suggest or teach an encoder, for selecting an entry from the list. Duffy et al. is cited to show a jump function to select an entry, but the Duffy et al. jump function is enabled from its keyboard input device. Nothing in the combination of Holloway et al., or Duffy et al. suggests or teaches an encoder separate from the input device. Challener et al. is cited because it shows a rotary dial.

Challener et al. does not relate to an analogous art and it does not teach or suggest use in conjunction with apparatus for strolling through a sequential list from an entry selected by the rotary switch. Challener et al. shows a television type channel changer switch attached to a personal computer for selecting which of a plurality of computer programs is to be performed by the personal computer. Challener et al., does not teach or suggest scrolling by apparatus separate from the switch, for scrolling from a program selected by the switch. Basically, Challener et al. neither suggests inclusion in a combination of the type of applicant's claim 22 nor does it provide the function of the encoder in selecting an entry of a sequential list and interaction with a scrolling apparatus. Accordingly, Challener et al. is not a proper reference to include in the 35 U.S.C. 103 rejection of claim 22.

In order to establish a *prima facie* case of obviousness three basic criteria must be met. Among those criteria is that there must be some suggestion or motivation to modify the reference or combine reference teachings. No such motivation or suggestion is shown in the present Office Action or by the references. Applicants claimed combination includes an input device, an encoder, separate from the input device and a scroll apparatus for scrolling through a list from an entry selected by the encoder.

Duffy suggests the use of the input device as the device to be used to identify a jump character from which scrolling may occur. That is, it results in only a two-part combination. Challener suggests the use of a rotary switch to select which program a PC should execute. There is no suggestion in Challener to combine it with other functions which might use its output as a starting point for further selection. There is no suggestion that it be combined in any way approaching applicant's claim.

None of the references provide motivation for applicant's combination. Nowhere is it taught or suggested that a three-part combination would be helpful or useful. The Examiner merely states that such combination would be obvious. The Examiner has failed to provide a *prima facie* showing of obviousness and claim 22 as it now stands is asserted to be allowable.

In view of the foregoing, applicant asserts that claim 22 is allowable as it now stands. Accordingly, all claims 23-36 which depend from claim 22 are asserted to be allowable.

Additionally, claim 26 recites that the encoder has a plurality of positions, each position corresponding to a portion of the alphabet. The rotary switch of Challener et al. has positions which correspond to computer programs to be performed not to letters of the alphabet. For this further reason, claim 26 is not made obvious by the combined references.

The Commissioner is hereby authorized to charge any additional fees which may be required in this Application to Deposit Account No. 06-1135.

Respectfully requested,

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